

REMARKS

The Examiner objected to an informality on the Information Disclosure Statement filed February 4, 2005, *i.e.*, a typographical error in the instant application number. Enclosed herewith is a substitute Information Disclosure Statement, citing the same references as the February 4, 2005 Information Disclosure Statement, but with the cited informality corrected. Applicants respectfully request the Examiner's consideration of the references cited in the Information Disclosure Statement.

Applicants have amended claims 5, 10, and 13 to correct the informalities cited by the Examiner related to antecedent basis, thereby removing the basis for the 35 U.S.C. § 112, second paragraph rejection of these claims.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 1-6 over Masaharu in view of Poertzgen.

The vehicle brake apparatus of claim 1, includes, among other things, a variable output mechanism in which a multiplying ratio of an output force is changed mechanically and non-linearly in relation to an operational input force from a brake operating member, and a reaction force unit for applying a reaction force to the output member. The reaction force unit has only a single spring. With only a single spring, brake operation feels like operation of a conventional brake, while the brake apparatus remains compact.

The Office Action identifies elements 9 and 12 of Masaharu as corresponding to the claimed variable output mechanism, and element 11a of Masaharu as corresponding to the claimed brake controlling unit. The Office Action admits that Masaharu does not disclose the claimed sensor nor the claimed reaction force unit. Applicants respectfully deny that element 11a corresponds to a brake controlling unit, as

claimed, but agrees with the Examiner that Masaharu does not disclose the claimed sensor nor the claimed reaction force unit.

The Office Action cites element 42 of Poertzgen as corresponding to the claimed load sensor, and element 40 of Poertzgen as corresponding to the claimed reaction force unit. However, Poertzgen lacks any teaching of a variable output mechanism or a brake controlling unit. Hence, Masaharu and Poertzgen disclose brakes with very different structures. Applicants respectfully submit that no motivation exists to combine and modify the two very different brake structures disclosed in Masaharu and Poertzgen. The Examiner is engaging in an act of picking and choosing elements from each reference, and combining them according to a blueprint provided by the present application. This is classic hindsight. The combination of Masaharu and Poertzgen, therefore, does not create even a *prima facie* case of obviousness.

Moreover, even if Masaharu and Poertzgen were combined, Poertzgen discloses a spring 40 (col. 6, lines 46-51), and another spring 16 (col. 4, lines 23-26), *i.e.*, plural springs, and so this combination of references would still lack the “single spring” as recited in claim 1. The disclosure of plural springs in Poertzgen in fact teaches away from a “single spring” as recited in claim 1, and the invention is non-obvious for this reason as well.

Claims 2-13 depend, directly or indirectly, from claim 1 and are patentable over Masaharu and Poertzgen at least for the same reasons as claim 1.

Entry of this Amendment After Final is proper in order to correct the § 112, second paragraph rejections of claims 5, 10 and 13 and to more clearly recite the

features of the invention, as set forth in claim 1, thereby placing this application in condition for allowance or in better form for appeal.

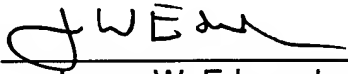
Applicants therefore request entry of this Amendment After Final, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 29, 2006

By: 
James W. Edmondson
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Attachments: Substitute Information Disclosure Statement